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# Title VI Civil Rights Act/Environmental Justice: U.S. Environmental Protection Agency October 12th Letter of Concern to Louisiana Department of Environmental Quality

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The United States Environmental Protection Agency Office of Environmental Justice and External Civil Rights (“EPA”) sent an October 12th Letter of Concern (“LOC”) to the following Louisiana state agencies:

- Louisiana Department of Environmental Quality (“LDEQ”)
- Louisiana Department of Health (“LDH”)

See EPA Complaint Nos. 01R-22-R6, 02R-22-R6, and 04R-22-R6.

The October 12th LOC states it is addressing administrative complaints filed with EPA under Title VI of the Civil Rights Act of 1964 that were accepted for investigation in regard to the following:

- Complaint No. 01R-22-R6 (LDEQ and the Denka Facility)
- Complaint No. 02R-22-R6 (LDEQ and the Denka Facility)
- Complaint No. 04R-22-R6 (LDEQ and the Industrial Corridor and the Formosa Facility)

(Collectively, “Complaints”)

Further, the LOC is stated to convey the results of initial fact finding and analysis of the issues identified in the Complaints with respect to:

. . . LDEQ’s implementation of its air pollution control permit program and LDH’s duty to inform, and make recommendations to the public about prevention and reduction of health threats and air toxics exposures.

The LOC provides a caveat that the information it is conveying is intended to help facilitate an Informal Resolution Agreement (“IRA”) negotiation process that resolves the issues accepted for investigation. In addition, EPA emphasizes that EPA has not concluded its investigation of the Complaints nor reached final conclusions of fact of law as to the state agency’s compliance with the civil rights laws.

Regardless, the LOC does state that:

. . . based on facts discovered thus far during EPA’s investigation, EPA issues this Letter to present sufficient evidence suggesting that the Departments’ actions or inactions have resulted and continue to

result in disparate adverse impacts on Black residents of St. John the Baptist Parish, St. James Parish, and the Industrial Corridor.

The LOC contains sections addressing:

- Summary of Initial Fact Finding and Analysis (addressing the three Complaints)
- Recommendations
- General Background/Overview
- History of Industrial Corridor
- Legal Background
- Title VI
- Federal and State Regulation of Air Toxics
- Initial Fact Finding and Analysis
- EPA Complaint NO. 01R-22-R6 (LDEQ and the Denka Facility Complaint)
- EPA Complaint NO. 02R-22-R6 (LDH – Denka Facility Complaint)
- EPA Complaint NO. 04R-22-R6 (LDEQ – Formosa Complaint)
- Conclusion

A copy of the LOC can be downloaded [here](#).